

Native American Estate: The Struggle over Indian and Hawaiian Lands, by Linda S. Parker. Honolulu: University of Hawaii Press, 1989. ISBN 0-8248-1119-4, vii + 192 pp, maps, notes, glossary, bibliography, index. US\$24.

Native Hawaiians have sought redress from the United States for loss of their lands and sovereignty for nearly a century. In doing so, they have attempted to draw the analogy between their claims and the claims of other Native Americans. *Native American Estate* by Linda S. Parker is an important work because, in a concise and dispassionate analysis, the author convincingly makes that analogy, even while acknowledging the uniqueness of the Native Hawaiian situation.

This is an ambitious work. Parker not only describes Native Hawaiian land tenure in some detail, but gives brief thumbnail sketches of the land tenure systems of the major Indian groups. She identifies the common elements, as well as the major differences, in native land tenure systems and concludes that both "the Indian and the Hawaiian valued land for its products rather than the land per se. They maintained a metaphysical relationship with the land and neither conceived of land in terms of absolute ownership" (23).

Parker then details the inevitable clash between these values and European/American attitudes toward land. In such a conflict, the native societies were at a clear disadvantage. Native Americans on the continental United States were forced to defend their lands and lives with arms and by diplomacy and negotiations. Native Hawaiians

used arms to a far less degree because they recognized the vulnerability of their islands and the power of Western warships and the weapons they carried. Thus, Native Hawaiians waged an equally futile war of diplomatic and political maneuvering in their attempts to protect their lands and sovereignty. In Parker's opinion, however, Hawaiian efforts were as effective as political and military conditions of the time would allow.

The thesis that Native Americans, whether Indian, Native Hawaiian, or Alaskan Native, shared a similar worldview and attitude toward land is not new. Neither is the author's analysis of the inherent conflict between the Native American worldview and European/American imperialism. But what makes this thesis more compelling in this book is the amount and quality of the evidence compiled to support the analysis.

This work was originally Parker's doctoral dissertation, which has been expanded and supplemented with current data. Her writing style tends to be reserved and formal. Yet, this approach to what might otherwise be emotionally volatile material is useful. In a straightforward, almost matter-of-fact manner, she recounts incident after incident of degradation and betrayal, of agreements made and broken, of increasingly desperate attempts by Native Americans to come to reasonable terms with the blind and irrational forces of racism and greed.

It would be easy to be critical of such a work. It is at once too detailed and too general. It chronicles centuries of European/American dealings with native peoples across the United States

and in Hawai'i in less than two hundred pages. The author necessarily had to select and limit her material, making coverage of some issues appear cursory or incomplete. Yet, given the enormousness of the task, Parker is to be acknowledged for her efforts.

Parker focuses the most attention on Native Hawaiians, and, for the most part, her work is accurate and complete. There are, however, statements in the book that Native Hawaiians and Hawaiian scholars would dispute. To give a few examples: her emphasis on Kane and Lono as the gods "who gave the land to the Hawaiians to use and enjoy its fruitful products" is misplaced. Moreover, it is curious that while Parker cautions against relying on descriptions of the Native Hawaiian land tenure system as feudal, her interpretation basically supports that description. Finally, her statement in the final chapter that the state holds Hawaiian homelands "in a form of trust for Hawaiians as a racial group" is unfortunate. Her characterization of Native Hawaiian claims as based on racial classification rather than political status raises a host of constitutional questions and does a disservice to Native Hawaiians.

The handling of more recent judicial and legislative efforts by Native Americans to regain lands and resources is commendable. Parker discusses the current controversy surrounding geothermal development on the Big Island, the decision by the Hawai'i Supreme Court on ceded lands, and recent legislation dealing with escheat of *kuleana* lands. Her analysis of the doctrine of adverse possession and the 1978 consti-

tutional amendment and subsequent legislation limiting the doctrine's negative effects is quite good.

However, for a book containing so much valuable information, the author's footnoting style is disconcerting. All references for a paragraph are strung together in the footnote to the final sentence in the paragraph. It is extremely difficult to find a reference for a particular sentence or proposition, and therefore the usefulness of the book as a resource is limited. Moreover, one of the major sources cited in the section dealing with the Hawaiian Homes Commission Act is a secondary source, which itself is not well documented.

Parker is a historian and attorney and a Native American. In this book, she demonstrates a wealth of historical knowledge as well as her sound research methods. Her discussion of the case law is thorough enough to satisfy the lawyer and clear enough for the nonlawyer to grasp.

This book is so filled with information and data that the reader is required to read thoughtfully and carefully. And the careful and thoughtful reader will probably be left with more questions than answers. While *Native American Estate* does an admirable job of identifying the factors creating the struggle between European/American imperialism and native societies, it offers little insight into possible resolutions. Readers may leave this book with mixed feelings. It is a powerful book. But it is powerful because of its subject matter, and it is powerful almost in spite of itself. Inevitably, we want more than Parker gives us. We

want insights, perceptions, answers. We want the author's personal voice, her own judgments and assessments, as a historian, advocate, and Native American. We intuitively feel that Parker has a valuable contribution to make in this arena, but because of real or imagined limitations, she has chosen to remain silent in this work.

MELODY KAPILIALOHA MACKENZIE
Native Hawaiian Legal Corporation

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Law, Politics and Government in the Pacific Island States, edited by Yash Ghai. Suva: Institute of Pacific Studies, University of the South Pacific, 1988. x + 369 pp, references, legislation, table of cases, index. US\$15.

Yash Ghai and his fellow authors have supplied us with a text that will be an essential handbook for those who are called upon to give constitutional advice to Pacific Island states and a valuable source for those interested in comparative constitutions and government. (I was unwise enough to lend my review copy, along with a pile of island constitutions, to a colleague engaged on a constitutional consultancy. I had to insist on the return of the volume to complete this review.)

Yash Ghai draws on wide experience as a constitutional adviser to island states and on extensive research. He sets out the kinds of decisions that had to be made before the independence constitutions in the Pacific could be drafted and the varying procedures that have been followed in preparing and drafting these constitutions, in-

cluding the extent to which local leaders and people have been involved. He then proceeds to analyze the systems of government that have been adopted.

Yash Ghai's general survey is complemented by a chapter in which the late C. J. Lynch uses his own practical experience in island constitutions to illustrate their form and drafting characteristics. Other specialists make contributions on particular aspects of constitution making. Guy Powles considers the relationship between executive and public service. Peter Larmour analyzes the land tenure provisions in island constitutions and discusses land tenure problems in Melanesia. Neroni Slade examines the role and use of senior law officers. And Peter Bayne provides a critical review of the approaches taken by Pacific courts in making constitutional decisions.

There are contributions on constitutional and related issues in particular island states. With the authority of a former prime minister, Sir Julius Chan speaks of the shortcomings of the constitution of Papua New Guinea. Tony Delkin describes the procedures followed by, but not the conclusions of, the General Constitutional Commission, which has made a series of reports reviewing that constitution; while Utula Samana discusses the vexed issue of decentralization in Papua New Guinea as it arose in the establishment of the government of Morobe Province. There are chapters on the constitution of the Federated States of Micronesia (Alan B. Burdick), the development of the customary land trust concept in Fiji (J. N. Kamikamica and T. L. Davey), and the